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Letter dated 2 April 2018 from the Permanent Representative of Peru to the United Nations addressed to the Secretary-General

I have the honour to inform you that, under the presidency of Peru, the Security Council plans to hold an open debate on sexual violence in conflict on 16 April 2018. The focus of the open debate will be preventing sexual violence in conflict through empowerment, gender equality and access to justice.

In this regard, Peru has prepared the attached concept note (see annex). I should be grateful if the present letter and its annex could be circulated as a document of the Security Council.

(*Signed*) Gustavo **Meza-Cuadra**
Ambassador
Permanent Representative of Peru to the United Nations

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Annex to the letter dated 2 April 2018 from the Permanent Representative of Peru to the United Nations addressed to the Secretary-General

Concept note for the Security Council open debate on the theme "Preventing sexual violence in conflict through empowerment, gender equality and access to justice", to be held on 16 April 2018

I. Introduction

1. The aim of this open debate is to analyse how conflict-related sexual violence can be prevented and more effectively and sustainably addressed through the empowerment of women, the advancement of gender equality and efforts to ensure access to justice and accountability for crimes of sexual violence. It will focus in particular on patterns and trends identified in the annual report of the Secretary-General on conflict-related sexual violence (S/2018/250), including in connection with structural discrimination, economic inequalities and climates of impunity and insecurity, among other root causes.

II. Background and normative developments in the Security Council

2. The Security Council has adopted a robust series of resolutions to raise awareness of and generate action to combat sexual violence during and in the wake of conflict:

- Resolution 1820 (2008), in which the Council recognized that sexual violence is often employed as a tactic of war and can constitute a war crime, a crime against humanity and/or an act of genocide and, as such, cannot be amnestied. The Council called for the immediate and complete cessation of sexual violence against civilians, in particular women and girls who are disproportionately affected, and an end to the impunity enjoyed by perpetrators, expressing its deep concern that, despite repeated condemnation, sexual violence against civilians trapped in war zones not only was continuing but in some cases had become widespread and systematic. This resolution built upon the foundational resolution 1325 (2000) by affirming that effective steps to prevent and respond to all forms of sexual violence could significantly contribute to the maintenance or restoration of international peace and security.
- Resolution 1888 (2009), in which the Council established new infrastructure and mechanisms to advance the implementation of this agenda, including the creation of a Special Representative of the Secretary-General on Sexual Violence in Conflict, a Team of Experts on the Rule of Law and Sexual Violence in Conflict working through the Office of the Special Representative and dedicated women's protection advisers in field missions. The Council further committed itself to incorporating specific provisions on combating conflict-related sexual violence in the mandates of peacekeeping operations. The Council encouraged Member States to increase access to health care, psychosocial support and legal assistance for survivors of conflict-related sexual violence in remote and rural areas.
- Resolution 1960 (2010), in which the Council established a monitoring and compliance regime, including specific monitoring, analysis and reporting arrangements on conflict-related sexual violence, mandated the listing of parties

to armed conflict credibly suspected of committing or being responsible for patterns of sexual violence in situations on the Council's agenda and called upon parties to armed conflict to make specific and time-bound commitments to combat sexual violence, including by prohibiting such crimes through clear command orders, adopting codes of conduct and other measures and investigating alleged abuses and holding perpetrators accountable in a timely manner.

- Resolution 2106 (2013), in which the Council emphasized prevention and the central role of civil society organizations in addressing crimes of sexual violence, reiterating that all actors, including not only the Security Council and parties to armed conflict but also all Member States and United Nations entities, must do more to advance the implementation of this agenda and combat impunity for such crimes. The Council also affirmed the centrality of gender equality and the political, social and economic empowerment of women in efforts to prevent sexual violence in armed conflict and post-conflict situations.

- Resolution 2331 (2016), in which the Council addressed the nexus between trafficking, sexual violence, terrorism and transnational organized crime, paving the way for more systematic monitoring and reporting, as well as enhanced information-sharing and judicial cooperation. It further affirmed that victims of trafficking in persons and sexual violence committed by terrorist groups and networks should be eligible for official redress as victims of terrorism. The acknowledgement of sexual violence as a tactic of terrorism, integral to recruitment, resourcing and radicalization strategies, formally linked this issue to global action aimed at curbing terrorist financing, including the work of relevant sanctions regimes.

III. Scope of the open debate: preventing sexual violence in conflict through the empowerment of women, gender equality and access to justice

3. In the report of the Secretary-General on conflict-related sexual violence (S/2018/250), a number of new and emerging concerns are highlighted in relation to the use of sexual violence by parties to armed conflict as a tactic of war and terrorism. It is noted that such violence can cause long-term physical and psychological trauma and shred the social fabric. Indeed, the report contains an analysis of the use of sexual violence by belligerent parties in several settings to attack and alter the collective identity of persecuted groups, notably religious, ethnic, political or indigenous minorities. As an integral component of strategies to secure the control of land and resources, conflict-related sexual violence has devastated the physical and economic security of displaced and rural women and women belonging to minority groups in particular. The importance of socioeconomic reintegration support aimed at restoring community cohesion in the wake of war is also underscored.

4. The report further demonstrates how women suffer structural discrimination at the macroeconomic level, which reduces their resilience to financial and security shocks and hampers their ability to claim and realize their rights. In addition, the effects of conflict-related sexual violence can echo across generations, through trauma, stigma, poverty, poor health and unwanted pregnancy.

5. In the report, it is also noted that conflict-related sexual violence is often presaged and accompanied by other violations of human rights, including gender-based violence and discrimination and related incitement and threats. This affirms

that the physical security of women is inextricably linked to their political, social and economic status and rights.

6. Most incidents of mass rape continue to be met with mass impunity, as conflict shreds the social contract and subverts the rule of law. The majority of victims of conflict-related sexual violence are politically and economically marginalized women and girls living beyond the reach and protection of institutions that ensure the rule of law. It is therefore critical that transitional justice processes address both the legacy of such crimes and their underlying structural root causes by ensuring access to justice for women and all victims, as part of overall peacebuilding and reconciliation.

IV. Objectives and guiding questions for the open debate

7. The aim of the open debate is to identify opportunities and gaps at the national, regional and international levels to improve efforts to prevent and respond to conflict-related sexual violence through the empowerment of women, gender equality and access to justice. It will provide a platform for strategic reflection on ways to advance and accelerate the implementation of this agenda, created by the Security Council exactly one decade ago, tracking progress over time and bringing to the surface remaining obstacles and constraints, as well as new and emerging challenges, in particular those related to structural gender inequality as a critical element of instability that impedes efforts to maintain or restore international peace and security.

8. We encourage interventions that address the following questions:

- What specific measures have been taken at the national level to prevent conflict-related sexual violence, in particular long-term initiatives focused on the empowerment of women, advancing gender equality and ensuring that perpetrators of sexual violence are brought to justice?
- What gaps in national legal frameworks, policies and programmes would need to be addressed in order to enhance the empowerment of women, gender equality and access to justice as strategies to prevent sexual violence during and in the wake of conflict?
- How can the participation of women and civil society be promoted as part of efforts to ensure the protection of women, as well as their economic recovery, empowerment and resilience, to prevent sexual violence in conflict and to reduce recourse to negative and/or harmful coping mechanisms?
- Since the statement delivered by your country in 2017 on this topic, what progress has been made at the national or regional level to prevent and address conflict-related sexual violence through the promotion of the empowerment of women, gender equality, accountability and access to justice?
- What strategies can be implemented in order to strengthen justice mechanisms to sanction those responsible for sexual violence and to end impunity? How can the international community support Governments in combating impunity and ensuring consistent accountability at all levels as a critical component of preventing and deterring sexual violence in conflict? How can conflict-related sexual violence be more effectively addressed through international commissions of inquiry, referrals to and cooperation with the International Criminal Court and the establishment of ad hoc, hybrid and national tribunals?
- How can the Security Council, when establishing and renewing the mandates of United Nations peacekeeping and political missions, as well as relevant sanctions regimes, more effectively promote gender equality, the empowerment

of women in conflict and post-conflict situations and accountability for crimes of sexual violence?

- What other strategic approaches could be adopted or supported to prevent the use of sexual violence as a tactic of war or terrorism, including, for example, legislative reform, security sector reform, vetting and training, capacity-building to strengthen institutions that ensure the rule of law, amplifying the political voice of women, increasing the operating space and political support for women's civil society organizations and local service providers, providing predeployment training for peacekeepers and improving gender balance, and providing socioeconomic reintegration and or resettlement support for survivors of conflict-related sexual violence? What measures have been taken by your Government to contribute to those efforts?
- How can Member States continue to support the efforts of the Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict, in particular in terms of preventing the recurrence of conflict-related sexual violence by empowering women at risk, fostering gender equality to enhance economic and social stability, delivering justice for survivors, including reparative justice, and ensuring that perpetrators at all levels of the command chain are held accountable for crimes of sexual violence? How can the Security Council and other Member States support the mandate of the Special Representative of the Secretary-General on Sexual Violence in Conflict and women's protection advisers in the field to engage with State and non-State parties to conflict to obtain protection commitments and systematically monitor their compliance, through joint communiques, frameworks of cooperation or their equivalent?

V. Format and briefers

9. The open debate will take place on 16 April 2018 at 10 a.m. in the Security Council Chamber.

10. It will be chaired by the Permanent Representative of Peru to the United Nations, Gustavo Meza-Cuadra.

11. The following speakers will brief the Council:

- Deputy Secretary-General, Amina J. Mohammed, through video teleconferencing (to be confirmed)
- Special Representative of the Secretary-General on Sexual Violence in Conflict, Pramila Patten
- Senior Researcher at Kaladan Press, Razia Sultana, on behalf of the NGO Working Group on Women, Peace and Security

VI. Expected outcome

12. No outcome document is planned for adoption at this meeting.